



*United States Attorney  
Southern District of New York*

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**U.S. CHARGES PRISON GUARD WITH  
ILLEGAL SEXUAL ACTIVITY WITH AN INMATE**

DAVID N. KELLEY, the United States Attorney for the Southern District of New York, and GLENN A. FINE, the Inspector General of the Department of Justice, announced today that NICHOLAS DEFONTE, a Correction Officer with the federal Bureau of Prisons assigned to the Metropolitan Correction Center ("MCC") in Manhattan, has been charged in a Complaint with having engaged in unlawful sexual activity with a female inmate.

According to the four-count Complaint, DEFONTE is charged with having engaged in oral sex and other sexual activity with the inmate on four occasions. At the time of the incidents, DEFONTE was assigned to the Food Services Unit (the "Kitchen") or to other duties at the MCC where he had access to the Kitchen. The inmate was also assigned to work in the Kitchen. On various occasions, another female inmate served as a look-out to warn the couple if anyone was approaching them.

The Complaint does not allege the use of force or threats by DEFONTE in connection with the unlawful sexual activity. Under federal law, it is unlawful for a prison officer to knowingly engage in a sexual act with an inmate who is subject to the officer's custody and supervision.

DEFONTE, 47, lives in Staten Island.

If convicted, DEFONTE faces a maximum penalty of one year in prison and a fine of \$100,000.

Mr. KELLEY praised the investigative efforts of the Justice Department's Office of Inspector General for in this case. In addition, Mr. KELLEY thanked the MCC Warden Marvin D. Morrison and the investigative staff of the MCC for their cooperation in the investigation.

Assistant United States Attorney SERENE K. NAKANO is in charge of the prosecution.

The charges contained in the Complaint are merely accusations, and the defendant is presumed innocent unless and until proven guilty.

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